



American Association of
State Highway and
Transportation Officials

Harold E. Linnenkohl, President
Commissioner
Georgia Department of Transportation

John Horsley
Executive Director

December 7, 2005

Honorable Kevin J. Martin, Esq.
Chairman
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

**RE: *Ex Parte* Submission Regarding the
Dedicated Short Range Communications Service
WT Docket 01-90**

Dear Chairman Martin:

On behalf of the American Association of State Highway and Transportation Officials (AASHTO), I am writing to request that the Federal Communications Commission ("Commission") grant petitions for reconsideration filed in this docket requesting that the Commission designate Channel 172^{1/} in the Dedicated Short Range Communications Service ("DSRC") as a high availability, low latency channel for the highest priority vehicle safety communications.^{2/}

^{1/} Channel 172 is one of six service channels in the DSRC band plan. It has long been identified by the DSRC community as the best channel for critical safety applications because it is located furthest from the fixed satellite service ("FSS") operations at 5.925-6.425 GHz and is therefore the least likely to receive out-of-band interference from these operations.

^{2/} The petitions for reconsideration were filed by ARINC and ITS America on September 2, 2004 in response to the Commission's February 10, 2004 *Report and Order*, FCC 03-324, in this proceeding ("*DSRC Order*"). The Alliance of Automobile Manufacturers and the U.S. Department of Transportation have filed pleadings in this docket in support of the petitions. See *Ex Parte* of Alliance of Automobile Manufacturers in WT Docket No. 01-90 (Jan. 25, 2005) ("*Alliance January 25, 2005 Ex Parte*"); *Ex Parte* of Alliance of Automobile Manufacturers in WT Docket No. 01-

AASHTO is an association representing highway and transportation departments in the 50 states, the District of Columbia and Puerto Rico. AASHTO's primary goal is to foster the development, operation, and maintenance of an integrated national transportation system. Because of the DSRC's tremendous potential to improve transportation safety, the Commission's DSRC rules are of significant interest to AASHTO.

In its *DSRC Order*, the Commission took an important step toward promoting a wide array of innovative DSRC services that have the potential to ease traffic congestion and promote traffic safety. AASHTO is concerned, however, that in the *DSRC Order* the Commission did not designate DSRC Channel 172 for high availability, low latency safety communications. Unless the Commission, on reconsideration, designates Channel 172 for such communications, it will not be possible to realize fully the potential transportation safety benefits of the DSRC service.

AASHTO believes that without usage restrictions that prohibit low priority, non-safety-related communications from being delivered over Channel 172, automakers and other developers of DSRC vehicle safety technology will not be able to reliably use Channel 172 for the most critical road safety applications, such as last-second vehicle collision mitigation, out of fear that the reliability of these latency-intolerant applications could be degraded by the presence of other less-critical communications.^{3/} If this unfortunate but preventable result were to occur, the American public would be deprived of an important tool for reducing deaths and injuries due to traffic accidents.

The record in this proceeding indicates that if no restriction is imposed by the Commission regarding the use of Channel 172, the companies that are best equipped to develop vehicle collision mitigation technology will not have sufficient confidence in the reliability of their vehicle safety applications to warrant widespread deployment of the technology. This is because in vehicle collision situations a delay of mere milliseconds can mean the difference between collision avoidance or mitigation and significant injury or even death. Under such circumstances, no

90 (Oct. 27, 2005); *Ex Parte* of the U.S. Department of Transportation in WT Docket No. 01-90 (Oct. 20, 2005).

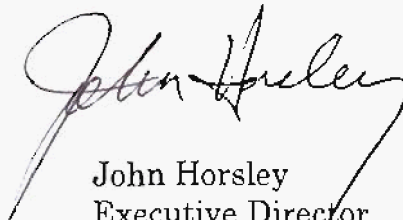
^{3/} See *Alliance January 25, 2005 Ex Parte* at 3-5.

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approach other than a specific use restriction applicable to Channel 172 can provide the certainty of reliability needed to bring DSRC vehicle collision mitigation technologies to market.

Approximately six million *police reported* automobile collisions occur each year, resulting in about 42,000 deaths and 4.3 million injuries. In addition there are a significant number of accidents each year that are not reported to the police. AASHTO believes that DSRC vehicle collision mitigation technology can help to improve these troubling statistics. The Commission can do its part to promote the development of such technology by designating Channel 172 of the DSRC for high availability, low latency safety communications.

Sincerely,



John Horsley
Executive Director